

REMARKS

Claims 20-42 are pending. By this Amendment, the specification and claims 20, 21, 24, 32 and 33 are amended, the Abstract has been replaced and claims 39-42 have been added. No new matter is added by this Amendment. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

In paragraph 1, Applicants' claim for priority has been denied. However, Applicants respectfully submit that the present application is the U.S. National Phase of PCT/EP05/50118 which was filed on January 13, 2005. A copy of the German priority document was submitted during prosecution of the PCT application, as acknowledged in the Notice of Acceptance dated August 8, 2008 where the priority documents filed on July 19, 2006 are indicated as having been received.

Accordingly, the Examiner is requested to provide an indication that the requirements of 35 U.S.C. §119(b) have been satisfied.

The specification was objected to as failing to include titles. By this Amendment, the specification is amended to include example titles. In paragraph 2 of the Office Action, the Examiner requests cancellation of paragraphs [0001] and [0007] of the application. By this Amendment, paragraphs 1 and 7 have been amended so as to avoid reference to the claims.

In regard to the Abstract, the Examiner objected to it as including legal phraseology and implied phrases. By this Amendment, the Abstract has been replaced with a new Abstract provided on a separate attached page.

Claims 20-38 were rejected under 35 U.S.C. §112, second paragraph. By this Amendment, claims 20, 21 and 24 have been amended for clarity only, in part based on the Examiner's helpful suggestions. In regard to the use of the term "substantially", Applicants respectfully traverse the assertion that this term renders the claim indefinite. In particular, see MPEP 2173.05(b) Part D, which provides specific examples employing the use of the term "substantially". In particular, one Court held that the limitation "which produces substantially equal E and H plane elimination patterns" was definite because one of ordinary skill in the art would know what was meant by "substantially

equal”. Andrew Corp. v. Gabrielle Electronics, 847 F.2d 819, 6 USPQ 2d 2010 (Fed. Cir. 1988).

Reconsideration and withdrawal of the rejection are respectfully requested.

In paragraph 7 of the Office Action, claims 20, 22 and 23 were rejected under 35 U.S.C. §102(b) over Chen et al. (U.S. Patent No. 6,281,611 B1). Claim 20 is directed toward a device in which food can be heated by means of inductive coupling. The device includes a winding body, at least one secondary winding formed from a current conductor to which at least one heating element is connected and an insulating casting that mounts the secondary winding in the winding body. The insulating casting has a coefficient of thermal expansion substantially corresponding to that of the winding body.

By substantially matching the coefficients of thermal expansion, as a result of the heat generated during the operation of both devices, the winding body and the casting can expand uniformly without mechanical stresses being formed in the area of the recesses, for example. The substantial matching of the coefficient of thermal expansion can be achieved, for example, by adding fillers to the casting means. See paragraph [0010] of the original specification.

In the Office Action (page 8), the Examiner has not treated the language of claim 20 which specifies that the insulating casting means has a coefficient of thermal expansion substantially corresponding to that the winding body. Instead, the Examiner seems to completely discount the claim language by stating that “a coefficient of thermal expansion is not patentable because of inherent property of any insulating materials unless it is specifically pointed out what is it)”.

Applicants respectfully point out that Applicants are claiming that the insulating casting has a coefficient of thermal expansion substantially corresponding to that of the winding body. As set forth in claim 26, the coefficient of thermal expansion of the casting is matched to the coefficient of thermal expansion of the winding body for a temperature range of 20°C to 150°C. Further, the specification (e.g., paragraph [0010]) indicates that the matching of the coefficient of thermal expansion can be achieved, for example, by adding fillers to the casting.

Thus, Chen et al. does not teach or disclose that the coefficient of thermal expansion of the casting substantially corresponds to that of the winding body as set forth in claim 20. In fact, Chen et al. has no mention of coefficient of thermal expansion for any of its materials much less any indication that the coefficients of thermal expansion between the casting and the winding body substantially match or correspond to one another.

In fact, the Office Action appears to contradict itself on page 9 in which it is stated that “Chen et al. discloses all the limitations of the claimed invention as set forth above, except for a coefficient of thermal expansion substantially corresponding to that of the winding body.” In other words, as the Examiner admits that Chen et al. does not disclose the claimed feature, Chen et al. cannot anticipate claims 20, 22 and 23.

In regard to claims 22 and 23, these claims are not treated in the Office Action in regard to paragraph 7. In particular, claim 22 sets forth an electrically non-conducting protective layer having a small thickness disposed on the winding body, said layer having a coefficient of thermal expansion which substantially corresponds to that of the winding body. Claim 22 is dependent off claim 20, while independent claim 23 is independent and sets forth a similar feature in that the non-conducting protective layer has a coefficient of thermal expansion which substantially corresponds to that of the winding body. See paragraph [0011], [0026], [0027] and [0028] of the original specification.

However, in the Office Action, claims 22 and 23 are not treated in that the protective layer recited in claims 22 and 23 is not addressed in paragraph 7.

Moreover, while the Examiner indicates that Chen et al. includes “casting means” that mounts the secondary winding, the Examiner in no way identifies the casting means such that Applicants are unable to ascertain what the Examiner’s possibly unarticulated interpretation of the casting means is in Chen et al.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 20, 22, 23, 25-27, 28, 29, 33, 35, 37 and 38 were rejected under 35 U.S.C. §103(a) over Chen et al. in view of Abbott et al. (U.S. Patent Publication No. 2001/0003336 A1). This rejection is respectfully traversed.

As indicated above, page 9 of the Office Action admits that Chen et al. does not disclose that the coefficient of thermal expansion of the casting means substantially corresponds to that of the winding body. In order to make up for this deficiency, the Office Action relies on the teachings of Abbott et al.

However, Abbott et al. deals with deposited resistive coatings and has no apparent connection to the field of inductive cooking as recited in the independent claims of the present application. In particular, paragraph 2 indicates that the invention is directed toward arc plasma spraying which has been used to manufacture millions of alternator parts per year with aluminum oxide. Thus, one of ordinary skill in the art of inductive cooking would have not reason to look to the teachings of Abbott et al. as it is in a far removed field, in which case one of ordinary skill in the art of induction cooking would not be aware of it.

Moreover, the Examiner has cited to paragraph 44 which in passing indicates that they, i.e., the starting materials, have in general a good coefficient of thermal expansion match with the insulated component. This does not in any form teach or suggest the subject matter of claim 20 which specifies that the insulating casting has a coefficient of expansion substantially corresponding to that of the winding body. While paragraph [0044] of Abbott et al. apparently deals with starting materials which have a good coefficient of thermal expansion match with the insulating component, there is no teaching or suggestion of a casting means which mounts a secondary winding which has a coefficient of thermal expansion substantially corresponding to that of the winding body.

Moreover, the Examiner also cites paragraph [0045] of Abbott et al., but this teaches that the resistive heating layer is a mixture of materials with positive and negative coefficients of resistivity. There is simply no teaching or suggestion that the materials have coefficients of thermal expansion that match one another from paragraph [0045]. If anything, paragraph [0045] seems to imply that the coefficients of thermal expansion are different than one another since the coefficients of resistivity are different from one another.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 21 and 24 were rejected under 35 U.S.C. §103(a) over Cornec et al. (U.S. Patent No. 5,866,884) in view of Abbott et al. This rejection is respectfully traversed. In the Office Action, the Examiner admits that Cornec et al. does not teach that a coefficient of thermal expansion substantially corresponding to that of the winding body, i.e., that the winding body and the protective layer have coefficients of thermal expansion which substantially correspond to one another.

Again, the Examiner relies on the teachings of Abbott et al. to make up for this deficiency. However, Abbott et al.'s teachings do not suggest themselves for combination with induction cooking ranges as the primary application appears to be focused on plasma sprays that have been used to manufacture alternator parts.

Moreover, the passing reference to a good coefficient of thermal expansion match with the insulating component as set forth in paragraph [0044] is simply not enough of a suggestion to imply that Cornec et al. somehow should be modified by the teachings of Abbott et al. Any such motivation to modify Cornec et al. to include the claimed subject matter is based on impermissible hindsight, which is not the proper foundation to establish a *prima facie* case for rejection.

Reconsideration and withdrawal of the rejection are respectfully requested.

Paragraph 12-15 include a series of secondary rejections based on the primary Chen et al./Abbott et al. rejection, and further in view of a series of secondary references, including Wittdorf et al. (U.S. Patent No. 6,478,843 B1), Simeray et al. (U.S. Patent No. 6,291,805 B1), Gross et al. (U.S. Patent No. 5,893,996) and Kicherer et al. (U.S. Patent No. 5,900,175). However, paragraphs 12-15 relate to claims which depend from one of the independent claims of the present application, and are patentable by virtue of that dependency.

In addition, Applicants respectfully submit that there is no reason to combine the teachings of the secondary references with either Chen et al. or Abbott et al. For example, both Kicherer et al. and Gross et al. are directed toward radiant heaters, wherein Gross et al. is dealing with cooking vessel detection. Thus, there is no reason to look to

the teachings of either Gross et al. or Kicherer et al. since they are not directed toward inductive heating or the problems associated therewith. Moreover, the cooking vessel detection disclosure of Gross et al. is irrelevant to the present application. Similarly, Wittdorf et al. is directed toward an anti-adherent coating and method for the production thereof, primarily dealing with automated welding lines in automobile construction. There is simply no reason for one of ordinary skill in the art to start with the teachings of Chen et al.'s inductive cooking apparatus, modify it by using Abbott et al.'s arc plasma spraying for alternator parts, and then to further modify that combination based on Wittdorf et al.'s anti-adhesion coating for welding and/or soldering for use in automobile construction. Any such combination is based on pure impermissible hindsight, and is not the proper basis for a rejection under 35 U.S.C. §103.

Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 39-42 are presented for the Examiner's consideration.

Applicants respectfully request entry of the present Amendment. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is enclosed.

Respectfully submitted,

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